

AMENDMENTS TO THE DRAWINGS:

In the Office Action at page 3, item 1, the Examiner objected to the drawings. To overcome these objections, replacement figures are submitted herewith. Fig. 1A has been added, illustrating the display apparatus with the main body 10. And FIG. 1 has been renumbered to FIG. 1B. Applicants respectfully submit that no new matter is being presented, as the main body 10 is disclosed in the claims and in paragraphs 21, 30, 38, 40-43, and 45 of the Specification. Approval of these changes to the Drawings is respectfully requested.

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 3 and 10 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

In the Office Action, at page 7, the Examiner indicated that claims 7, 26-29, 31, 33, 34, 36, and 37 would be allowable if rewritten in independent form. Applicants hold rewriting of these claims in abeyance until the Examiner has had the opportunity to review the arguments presented herein.

Applicants respectfully request that the Examiner acknowledge the claim of foreign priority under 35 U.S.C. §119, and acknowledge receipt of the priority document.

Claims 1-38 are pending and under consideration.

OBJECTION TO THE DRAWING:

In the Office Action, at page 3, the Examiner objected to the drawings. The reasons for the objection are set forth in the Office Action and therefore not repeated. To overcome these objections, replacement figures are submitted herewith. FIG. 1A, which illustrates a main body 10, has been added. Applicants respectfully submit that the addition FIG. 1A does not constitute new matter, since the main body is already disclosed in the Specification and the claims. Additionally, the previously numbered FIG. 1 has been renumbered as FIG. 1B. Applicants respectfully request approval of the changes to the Drawings.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, the Examiner rejected claim 10 under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants respectfully submit that the amendment to claim 10 overcomes the Examiner's rejection.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 4, the Examiner rejected claims 1-6, 30, 32 and 38 under 35 U.S.C. §102(e) as being anticipated by Ishizaki et al., (US Publication No. 2004/0056161 – hereinafter Ishizaki). The reasons for the rejection are set forth in the Office Action and

therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Initially, the Examiner asserts that 35 U.S.C. §102(e) prior to the amendment by the AIPA applies to the rejection using Ishizaki. Applicants respectfully disagree.

The Examiner notes that the changes made to 35 U.S.C. §102(e) do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Applicants respectfully submit that the PCT application for Ishizaki was filed in Japan, on December 13, 2001 (JP01/10931), which is after November 29, 2000. Accordingly, applicants respectfully submit that the current version of 35 U.S.C. §102(e) applies, and that Ishizaki only becomes a valid reference under 35 U.S.C. §102(e) as of the date the application enters the national phase (which appears to be August 18, 2003 according to PAIR), since there is no indication that the original Japanese PCT application was filed in English.

Thus Applicants respectfully submit that Ishizaki is not a valid reference under 35 U.S.C. §102(e), since the subject application claims the benefit of US Provisional No. 60/413,776 filed September 27, 2002, and Korean Application No. 2002-68264 filed November 5, 2002, which are both prior to August 18, 2003.

In the Office Action, at page 5, the Examiner rejected claims 1, 8, 9, and 10 under 35 U.S.C. §102 (e) as being anticipated by Malizia (US Patent No. 6,609,686). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Independent claim 1 recites: "...at least one spiral spring having an elasticity enough to support weight of the main body to extend and contract in response to a movement of the slider."

Malizia discloses a stand to movably support a desired object 26, such as a microphone. The stand has an outer tubular member 12 and an inner tubular member 14 that slides within the outer member 12. Inside the bottom of the inner member 14, there is an engagement means 30 that includes a wedge member 32 that is movable between releasing and locking positions. The engagement means 30 also includes a biasing means 38 bearing at a top thereof on a stop 33 secured to the inner member 14, and at a bottom thereof on a top of the wedge member 32. The biasing means 38 biases the wedge member 32 to the locking position.

A release means 22 is positioned at a top of the inner member 14, and selectively moves a connection means 50, which is connected through the wedge member 32 to a bottom of the wedge member 32, between first and second positions, which moves the wedge member 32 between the releasing and locking positions, respectively. Movement of the wedge member 32 to the releasing position contracts the biasing means 38, and movement of the wedge member 32 from the releasing position to the locking position allows the biasing means 38 to expand. (See Malizia, at col. 3, line 64 to col. 6, line 23).

The Examiner asserts that the inner member 14, outer member 12, biasing means 38, and wedge member 32 correspond, respectively, to the slider, guide rail, spiral spring, and supporting pin of the subject application. Applicants respectfully disagree.

In Malizia, no relation between a weight of the desired object 26 and an elasticity of the biasing means 38 is disclosed. Further, the biasing means does not extend and contract in response to movement of the inner member 14.

Additionally, claim 9 recites: "...a supporting pin disposed between the guide rail and the slider...."

In Malizia, the wedge member 32 is disposed completely within the inner member 14. (See Malizia, at FIGS. 3B and 5B).

Further, amended claim 10 recites: "...a guide bracket coupled to the guide rail; and a supporting bracket provided between the main body and the guide bracket and having a supporting part to support the main body, and an extended part extended downward from the supporting part and coupled to the slider by passing through the guide bracket."

In Malizia, there is no disclosed element that corresponds with the guide bracket of the subject application.

Accordingly, Applicants respectfully submit that independent claims 1 and 38 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons.

Further, Applicants respectfully submit that claims 2-6, 8-10, 30, and 32, which ultimately depend from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 6, the Examiner rejected claims 11-25, and 35 under 35 U.S.C. §103(a) as being unpatentable over Ishizaki, and in view of Malizia. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

As noted in the section regarding the rejections under 35 U.S.C. §102, Applicants respectfully submit that Ishizaki is not a valid reference under 35 U.S.C. §102, and therefore is not a valid reference under 35 U.S.C. §103.

Accordingly, Applicants respectfully submit that claims 11-25, and 35, which ultimately depend from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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